

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES,

v.

SEALED

Defendant

04-cr-10382

**AFFIDAVIT OF SHELLEY MURPHY IN SUPPORT OF MOTION OF GLOBE
NEWSPAPER COMPANY, INC. FOR ACCESS TO COURT DOCKET AND CASE
FILINGS**

I, Shelley Murphy, declare:

1. I am a reporter for The Boston Globe newspaper (the "Globe"). My reporting for the Globe covers organized crime, homeland security, and the federal court.

2. On or about January 12, 2005, I became aware that the court docket indicated a sealed sentencing hearing was scheduled that day in a criminal matter pending before Judge Patti B. Saris and that the entire docket was sealed. On or about that same day, the Globe filed an emergency motion to unseal the docket and papers filed in the case. At a hearing on the Globe's motion, Judge Saris allowed the motion in part, ordering that the docket sheet be unsealed. On information and belief, the docket sheet is now available on the Court's CM/ECF system. On information and belief, some, if not all, of the papers filed in the case, including the complaint, have also been unsealed and are available on CM/ECF, some with partial redactions. The case number is 1:04-cr-10175.

3. On or about January 13, 2005, I became aware of a sealed Rule 11 change of plea hearing before Judge George A. O'Toole, Jr. in another case in which the entire docket was sealed. On or about that same day, the Globe filed an emergency motion to unseal the docket

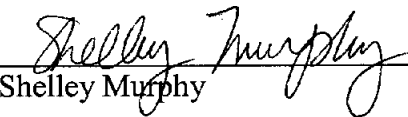
and papers filed in the case. On information or belief, on or about January 27, 2005, the Government filed a motion to unseal the case indictment against the defendant and any related papers in the case. On or about February 15, 2005, Judge O'Toole entered an order unsealing the case. On information and belief, the docket sheet and certain papers filed in the case, including the indictment, are now publicly available on CM/ECF. The case number is 1:03-cr-10303.

4. On March 21, 2005, I became aware of a 10:00 hearing scheduled in a criminal matter pending before Judge Douglas P. Woodlock. The matter was listed on the Court's daily calendar with case number 01:02-cr-10355. I attempted to attend the hearing but was informed that the case was sealed and that the hearing, which I believe was a change of plea hearing, was closed to the public.

5. I also have become aware of six additional criminal cases that appear to have been sealed. Case number 04-cr-10253 is pending before Judge Richard G. Stearns. Case number 04-cr-10254 is pending before Judge Nathaniel M. Gorton. Case number 04-cr-10255 is pending before Judge William G. Young. Case number 04-cr-10256 and case number 04-cr-10382 are pending before Judge Nancy Gertner. Case number 04-cr-10233 is pending before Judge Lindsay.

I declare under penalty of perjury that the information contained in the numbered paragraphs herein is true and correct to the best of my knowledge, information and belief.

Dated this 12th day of April, 2005.


Shelley Murphy